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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,056	03/30/2004	Masahiro Ito	Q80548	1303

23373 7590 03/27/2009

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EXAMINER
SITTA, GRANT

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
03/27/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/812,056	Applicant(s) ITO ET AL.	
	Examiner GRANT D. SITTA	Art Unit 2629	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 March 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires *3* months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1-19*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Sumati Lefkowitz/
Supervisory Patent Examiner, Art Unit 2629

/Grant D Sitta/
Examiner, Art Unit 2629

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments filed 3/10/2009 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Atsushi fails to teach a gamma correction memory in which a plurality of N-bit input grayscale levels are mapped to a plurality of K-bit output grayscale levels which are distributed on a non-linear curve corresponding to a non-linear curve on which grayscale levels of a display device are distributed.
However, Kitagawa teaches a gamma correction memory (fig. 1 (13) [0030]) in which a plurality of N-bit input grayscale levels (fig. 1 (11 bits of 13) [0020]) are mapped (fig. 7 [0029]) to a plurality of K-bit output grayscale levels which are distributed ([0020) on a non-linear curve (fig. 7) corresponding to a non-linear curve on which grayscale levels ([0020 and 0029]) of a display device are distributed [0020].
It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Atsushi to substitute the use of a gamma correction memory, for the memory (fig. 1 (10)) of Atsushi, as taught by Kitagawa in order to perform gamma correction in order to properly show shadow detail in RBG images and to avoid gradation deterioration in gray zones ([0005] of Kitagawa).

In response to applicant's argument that each component of the RGB color model is provided with a separate digital-signal processing circuit and as such processing means 10 would be incompatible with the input of 11 bit LUT memory provided separately for each color component of the RGB module (Remarks, pages 10, 2nd -3rd full), the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Therefore, the output of 12 bits of data from the pseudo-gradation processing means 10, of Atsushi, and the 11 bit gamma correction memory (LUT memory) of Kitagawa do not need to be bodily incorporated. Rather, the test is what the combined teachings would have suggested. Under these facts, it would have been obvious to incorporate gamma correction to properly display an image, because of the non-linear nature of displays, i.e. if you take an image file and turn each pixel value into a voltage and feed it into a display, you find the display does not give you an amount of light proportion to the voltage and accordingly the image displayed on the display will appear much to dark.

In response to Applicant's remarks that first as discussed above the number of bits output from the processing means, 10 of Atsushi, does not match the number of input bits of the LUT of Kitagawa. (Remarks 11, 1st full). See the reasoning above.

In response to Applicant's remarks, having the RGB components in a particular unequal relationship provided to a LUT memory directed to a single component could produce unexpected results and could possibly render a product resultant from this combination inoperable. Examiner respectfully disagrees. As stated above the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art.

In response to Applicants' remarks regarding claim 15, that Atsushi discloses a dependency between each component and does not teach or suggest the bit rate converts the M-bit video signal corresponding to the first component independent of signal corresponding to a second and a third component of RGB color model (Remarks, page 12, 2nd). Examiner respectfully disagrees. Atsushi teaches at [0071] addressing each component independently by addressing the components separately, i.e. R component to 4 bits. G component is made to 5 bits and B component to a triplet.

In response to Applicant's remarks regarding claim 17, first applicant submits that claim 17 clearly recites three different, or separate processors for processing a different component of the color model (Remarks, page 13, 3rd-4th). Examiner respectfully disagrees. Applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "different processors" or "separate processors") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant merely claims "a first component processor", a first component processor would be a processor that processes a first component, i.e. "R". Next, "second component processor" would be a processor that processes a second component, ie. "G" and so on. The claim language does not require the processors to be separate or different. Examiner also notes he was unable to find support in the specification where Applicant discloses using separate or different processors but instead calls component processors "sub-processors".

Furthermore, Atsushi teaches at [0071] addressing each component independently by addressing the components separately, i.e. R component to 4 bits. G component is made to 5 bits and B component to a triplet.

In response to Applicant's remarks that Atsushi fails to teach or suggest each the separate processors having a bit converter and a gamma correction unit. Examiner restfully disagrees for the reasons stated above.